

**Board of Adjustment meeting agenda
300 Hoven Drive Pacific, MO 63069**

WEDNESDAY, November 2, 2022

7:00 P.M.

1. CALL TO ORDER:

2. ROLL CALL:

3. APPROVAL OF MINUTES: April 6, 2022

4. PUBLIC HEARING:

- a. **BOZA-2022-2.** To hear an application for a variance from Benton Kelley dba RBT Renovations LLC, for property generally located at 408 S Second Street and including all of Lots 198, 199 and 200 Original Town of Franklin, Franklin County Parcel IDs 19-1-12.0-4-003-212.000 and 19-1-12.0-4-003-232.000. The applicant is requesting a variance from the minimum lot area dimensional requirement in R-2 zoning districts (14,000 square feet) and is requesting a variance from the front setback requirement, corner lot, (25 feet) at the corner of S. Second Street and Pacific Street. Specifically, the applicant is requesting to construct duplex units on lot sizes of 11,928 sf and 13,632 sf, and is requesting a 22-ft front setback on the Pacific Street frontage.

5. NEW BUSINESS:

- a. **BOZA-2022-2.** Consideration of BOZA-2022-2, Variance request, 408 S Second Street, Benton Kelley dba RBT Renovations LLC, applicant

6. OLD BUSINESS:

7. OTHER BUSINESS:

8. ADJOURNMENT

This Meeting is Open to the Public.

The Board of Adjustment will consider and act upon these matters listed above and any such others as may be presented at the meeting and determined appropriate for discussion at that time.

Board of Adjustment
300 Hoven Drive
Pacific, MO 63069

April 6, 2022

Call to Order: The meeting of the Board of Adjustment Commission was called to order at 7:00 p.m by Chairman Kelley. This meeting was held in person and available for viewing on Youtube at cityofpacificmissouri.com

Roll Call: Present at Roll Call: Commissioner Kelley, Commissioner Gass, Commissioner Vatterott, Commissioner Pigg. Absent: Commissioner Summers.

Other city officials present: Attorney Jones, Administrator Roth, City Clerk Barfield.

Approval of minutes: Motion made by Commissioner Gass, seconded by Commissioner Vatterott to approve the minutes from August 11, 2021. A voice vote was taken with an affirmative result.

Public Hearing

- 1. BOA 2022-01: A Public Hearing to consider a variance application from Ken Knipe requesting relief from the City's front setback requirement on property located at 1403 West St. Louis Street, Franklin County Parcel # 19-1-11.0-4-008-041.000 due to anticipated exceedance of the required front yard setback of not less than twenty-five (25) feet as prescribed in the City's Zoning Regulations**

Chairman Kelley opened the Public Hearing and read it into the record. The floor was open for comments.

Ken Knipe, 988 Oak Ridge Road, Robertsville, MO stated he is asking for a variance to put a house on a lot that is odd shaped. He closed on the property two weeks ago. The house will exceed the setback because it is odd shaped. The curb cut comes off of Phelan. He has not had the lot surveyed, but he did get a layout of the lot. He stated it is a hardship because if looking at it from St. Louis Street the left side is 65', taking 25' off of there and 20' off of the back, and the angle of the lot, it becomes a small piece of ground to build on. Administrator Roth stated there is a front setback on both streets. Mr. Knipe stated he is trying to build a 3-bedroom house. Other than the front setbacks, he meets the other setback requirements.

Brad Reed, 116 Janey Lane, Pacific, MO, stated he came up 2 years ago for the same thing. This was granted. The lot he is referring to is vacant, and was a house that burned down. He thought this was a good addition.

Administrator Roth stated the strict interpretation of the Code could be a basis for denial. Staff goes through the public hearing process, and the facts of the case the commission could say no, but this has been approved in the past.

Chairman Kelley asked for any other comments. There being none, the Public Hearing was closed.

New Business

BOA 2022-01 Approve application from Ken Knipe requesting relief from the City's front setback requirement on property located at 1403 West St. Louis Street, Franklin County Parcel # 19-1-11.0-4-008-041.000 due to anticipated exceedance of the required front yard setback of not less than twenty-five (25) feet as prescribed in the City's Zoning Regulations.

Motion made by Commissioner Pigg, seconded by Commissioner Gass to approve the request as presented. A voice vote was taken with an affirmative result of 4-0. Chairman Kelley declared the motion carried.

185' letter discussion – Administrator Roth stated when Steve Myers was going through the Board of Adjustment chapter he noticed provisions were not that clear. Attorney Jones stated the State Law provision requires a public hearing, but there is no requirement of the notice to neighboring property owners in 185'; this is a function of the city code. It is actually two sections that work together. The Board of Adjustment section requires a notice and hearing, and then looking at general notice it reads whenever a notice is required it goes back to the 185'. The question is do you want to continue the practice of the 185' letters for the Board of Adjustment or amend the code. It would only change it so the 185' letter not be required for Board of Adjustment. Discussion followed. Administrator Roth stated without notice to the adjacent land owners; and a variance be granted, some may not see how this happened; he would rather notice provisions be provided. It does add cost and process to the applicant, as they are sent certified mail. This is a procedural item. Attorney Jones stated the way staff is interpreting it now is all notices would receive the 185' letter. **Commission members agree there will be no change and continue the practice of 185' letters.** Administrator Roth would like to see the code clearer for Board of Adjustment. He suggested it be cleaned up when we do other text amendments for Chapter 407.

Old Business – none

Other Business – none.

Adjournment – Motion made by Commissioner Pigg, seconded by Chairman Vatterott to adjourn. A voice vote was taken with an affirmative result.

The meeting adjourned at 7:21 p.m.

City of Pacific

300 Hoven Drive
Pacific, MO 63069

636-271-0500
www.pacificmissouri.com

October 13, 2022

Notice of Public Hearing

Notice is hereby given than at 7 p.m. Wednesday, November 2, or shortly thereafter, at Pacific City Hall, 300 Hoven Drive, a public hearing will be held by the Board of Adjustment of the City of Pacific, to hear an application for a variance from Benton Kelley dba RBT Renovations LLC, for property generally located at 408 S Second Street and including all of Lots 198, 199 and 200 Original Town of Franklin, Franklin County Parcel IDs 19-1-12.0-4-003-212.000 and 19-1-12.0-4-003-232.000.

The applicant is proposing to construct two two-family residential units (duplexes) on the property. The applicant is requesting a variance from the minimum lot area dimensional requirement in R-2 zoning districts (14,000 square feet) and is requesting a variance from the front setback requirement, corner lot, (25 feet) at the corner of S. Second Street and Pacific Street. Specifically, the applicant is requesting to construct duplex units on lot sizes of 11,928 sf and 13,632 sf, and is requesting a 22-ft front setback on the Pacific Street frontage.

Anyone interested in the proceedings will be given an opportunity to be heard. Further information on this proposal is available from Pacific City Hall, 300 Hoven Drive, or from Steve Myers, Community Development Director, 636-271-0500 ext 216 or by email to smyers@pacificmissouri.com. A copy of the application may be found online at www.pacificmissouri.com.

Board of Adjustment
City of Pacific, MO

From: [Debra Kelley](#)
To: [Steve Roth](#)
Subject: Variance request
Date: Thursday, October 13, 2022 7:22:00 AM

[CAUTION] External Sender:

Mr.Roth

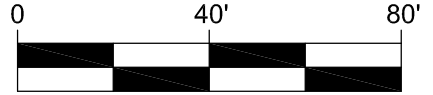
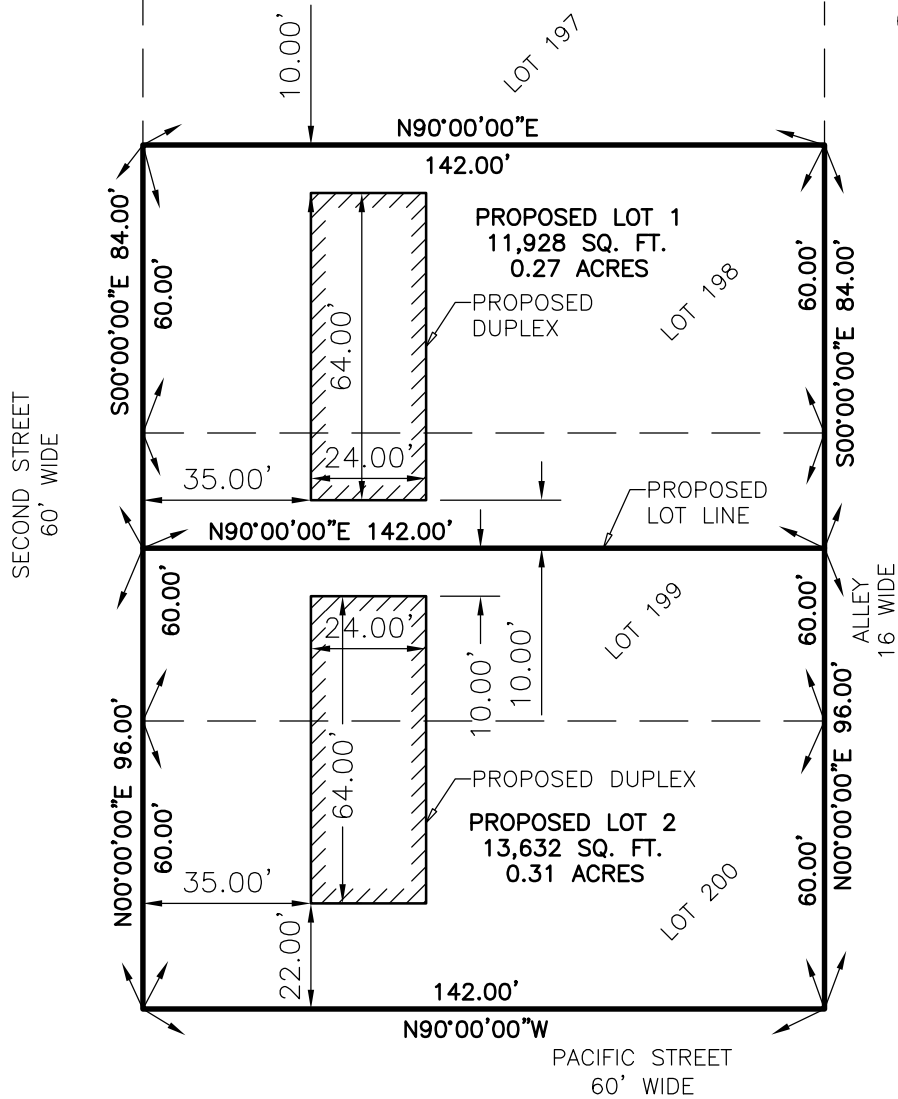
I am looking to get 3 variances on the property at 2nd & pacific streets. I will need variances for both lots as far as the square footage required for R2 and will also need a variance to infringe upon the 25' setback off of pacific street. We plan to face both buildings toward 2nd street.

Thank you
Benton Kelley

Sent from my iPhone

SITE PLAN

ALL OF LOTS 198, 199 & 200 OF "ORIGINAL TOWN OF FRANKLIN",
 BEING PART OF SECTION 12, TOWNSHIP 43 NORTH, RANGE 2 EAST OF THE 5TH P.M.,
 CITY OF PACIFIC, FRANKLIN COUNTY, MISSOURI



SCALE: 1" = 40'



Mark R. Frankenberg, PLS #2365
 State of Missouri
 Registered Land Surveyor for
 Buescher Frankenberg Associates, Inc
 Corporate #0096

bfaeng.com

TELEPHONE: (636) 239-4751



DRAWN BY A.M.B. DATE 10-12-22 Project No. 7492

103 ELM STREET, WASHINGTON, MISSOURI 63090



Board of Adjustment Staff Report

Meeting Date: November 2, 2022

From: Steve Roth
City Administrator

Description Consideration of a variance application from Benton Kelley, dba RBT Renovations LLC, seeking variances from the minimum lot size (14,000 square feet) in R-2 zoning districts, and the corner lot front setback requirement (25 ft), for development proposed at 408 S Second Street, including the northeast corner of S. Second and Pacific Streets.

Location The property is located 408 S Second Street, and including all of Lots 198, 199 and 200 Original Town of Franklin, Franklin County Parcel IDs 19-1-12.0-4-003-212.000 and 19-1-12.0-4-003-232.000.

Summary This property is zoned M-1 Light Industrial, which allows for R-2 Two-Family uses. The dimensional requirements for R-2 zoning then apply in this instance, which include a minimum lot area of 14,000 square feet. The applicant is proposing to adjust the boundaries of the three existing lots to provide for two new lots approximately 11,928 square feet (Lot 1) and 13,632 square feet (Lot 2) in dimension. Further, the applicant is proposing a 22-ft setback on the Pacific Street frontage, which requires a variance from the corner lot setback requirement of 25 feet.

Analysis Section 407.060(C) provides the Standards for Variances by which variance applications are evaluated, as follows:

1. The variance requested arises from a condition which is unique to the property in question and which is not ordinarily found in the same zoning district and is not created by an action or actions of the property owner or the applicant.

This standard requires a degree of interpretation. Two-family units are common in this neighborhood, many of which are located on lots smaller than what is

proposed. At the same time the conflict here is one that is created by the applicant's own action.

2. The granting of the variance will not adversely affect the rights of adjacent property owners or residents.

We have not heard any public comment on this item as of this writing (Oct. 27). In our judgment the proposal does not have an adverse effect on adjacent properties.

3. The strict application of the provisions of this Title from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.

A strict application of the zoning code provisions would prohibit the development. The lot area variance for Lot 2 (13,632 sf instead of 14,000 sf) in our judgement is inconsequential. The minimum lot area of Lot 1 (11,928 sf) is more significant, but again we find many examples of two-family development in this district on lesser lot sizes.

4. The variance desired will not adversely affect the public health, safety, order, convenience or general welfare of the community.

This standard in our judgment has been met.

5. Granting the variance desired will not violate the general spirit and intent of this Title.

This standard in our judgment has been met.

Recommendation

A strict application of the provisions of the Zoning Code and the Board of Adjustment variance standards would cause a denial of this application. However, when viewed from a public health, safety or general welfare perspective, we don't find anything in this application that we would consider objectionable. We have numerous two-family units in this part of the City, and to our knowledge we have had few if any complaints over the quality of development and impact on neighboring properties. In our judgment the variance requests here are reasonable and in keeping with the general intent and spirit of the Zoning Code, and staff would recommend approval.